

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE  
COMMISSION,

No. MISC. 02-91 DFL GGH

O R D E R

Plaintiff,

v.

RESOURCE DEVELOPMENT  
INTERNATIONAL, LLC, et al.,

Defendants. /

On October 12, 2006, Daniel G. Schmidt ("Schmidt") filed an ex parte petition for a temporary restraining order against Lawrence J. Warfield ("Warfield"), a receiver appointed by the United States District Court for the Northern District of Texas in Sec. and Exch. Comm. v. Res. Dev. Int'l, 3:02-CV-0605-R. In his petition, Schmidt asserts that Warfield improperly seized his assets under the authority of an order from the federal court, even though he was not a party to the Texas litigation. He also asserts that Second Opinion Services has been similarly mistreated. Schmidt does not explain his relationship to Second Opinion Services or to the Texas litigation.

Schmidt's petition for a temporary restraining order is defective for a number of reasons. First, he has not complied with either F. R. Civ. P 65(b) or Local Rule 65-231(a) and (c). He has not filed a complaint, he has not shown that immediate and irreparable injury will result before the adverse party can be heard in opposition, and he has not certified that efforts made to give notice to the adverse party. Second, he fails to explain his connection to the Texas litigation or to Second Opinion Services. Third, he provides no grounds upon which to conclude that Warfield will again enter his property or violate his rights. Fourth, he appears to believe that this court has appellate jurisdiction over the orders of another federal district court. It does not.

Finally, upon review of the docket in the Texas case, it is apparent that Schmidt was a party to the Texas litigation and has had judgment entered against him. His petition in this court is a dishonest attempt to evade that judgment.

A copy of this order will be provided to the district court in Texas.

Schmidt's motion for a temporary restraining order is DENIED.

IT IS SO ORDERED.

Dated: 10/16/2006

  
DAVID F. LEVI  
United States District Judge